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March 30, 2020

BY ECF

Hon. Vernon S. Broderick
United States District Judge
40 Foley Square
New York, New York 10007

Re: United States v. Ziskind, et al., 18 CR 375 (VSB)

Dear Judge Broderick:

I am writing on behalf of defendant Keith Orlean to respectfully request that the April 13, 2020 deadline for Mr. Orlean to surrender and begin service of his sentence be extended by 60 days in light of the ongoing public health emergency and the Bureau of Prison's failure to designate a facility as of yet for the defendant's incarceration. The government, by AUSA Andrew Thomas, has no objection to this application.

By way of background, on September 26, 2019, Mr. Orlean pleaded guilty pursuant to a plea agreement to Counts One and Two of a four-count Indictment which charged him with Conspiracy to Commit Securities Fraud, in violation of 18 U.S.C. § 371 (Count One), and Securities Fraud, in violation of 15 U.S.C. §§ 78j(b) & 78ff and 17 CFR § 240.10b-5 (Count Two). On February 12, 2020, Your Honor sentenced Mr. Orlean to a period of 32 months incarceration to be followed by three years of supervised release, and on March 13, 2020, the defendant's Judgement of Conviction was filed via ECF.

In the time that has followed since Mr. Orlean's February 2020 sentencing, the world has no doubt become a remarkably different place due to the outbreak of COVID-19. The defendant, now 62 years old, finds himself at increased risk of death should he become infected merely by virtue of his age.¹ And as he has yet to be designated to a specific facility by the BOP, Mr. Orlean would likely be brought by the U.S. Marshals Service to either the Metropolitan Correctional Center (MCC) or Metropolitan Detention Center (MDC) – both of which are

¹ See, CDC, Severe Outcomes Among Patients with Coronavirus Disease 2019 (COVID-19) – United States, February 12–March 16, 2020, available at: <https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm> (last viewed March 30, 2020).

JEFFREY LICHTMAN

Hon. Vernon S. Broderick
United States District Judge
March 30, 2020
Page 2

overcrowded and presently house inmates who have tested positive for the virus. See Walter Pavlo, Inmate at MCC New York Tests Positive for COVID-19, Forbes, March 24, 2020, available at: <https://www.forbes.com/sites/walterpavlo/2020/03/24/inmate-at-mcc-new-york-tests-positive-for-covid-19/#6e7a3c72a0ed> (last viewed March 30, 2020). As Mr. Orlean has remained on bail since May 2018 without incident, and coupled with the defendant's increased risk of infection and fatality due to his advancing age and the BOP's failure to designate him, we respectfully request that Mr. Orlean's surrender date be extended by 60 days.

Thank you for the Court's consideration of this application. I remain available for a teleconference should Your Honor deem it necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Lichtman', with a stylized flourish at the end.

Jeffrey Lichtman

cc: Andrew Thomas, Esq.
Robert Boone, Esq.
Assistant United States Attorneys (by ecf)